REMARKS

This response forms a part of the filing of a Request for Continued Examination (RCE) in the present application, in response to the Final Office Action dated August 23, 2007 (the "Final Office Action"). Claims 31-41, 50, 52-55, and 60-77 are pending in the present application. No claims are amended, added or cancelled hereby.

All pending claims in the present application have been finally rejected in the Final Office Action on two grounds: Double Patenting and 35 U.S.C. 103(a). Each ground of rejection is addressed below. Applicant appreciates the removal of the rejections under 35 U.S.C. 101 and 35 U.S.C. 112 from the prior Office Action.

Double Patenting

In applicant's prior response applicant requested a more complete analysis of the double patenting rejection, and more specifically requested that the rejection be applied on a claim-by-claim basis, indicating where limitations in each of the claims of the present case are anticipated by the allowed application 09/558,924. Such a further analysis was not provided in the Final Office Action. While applicant maintains the assertion that the Final Office Action provides no analysis or support for the assertion of double patenting for each claim in the present application, applicant submits herewith a terminal disclaimer in order to address and overcome this ground of rejection. In so doing, however, applicant in no way admits that the allowed application 09/558,924 anticipates nor renders obvious the claims of the present application. Rather, applicant offers the terminal disclaimer in order to minimize the cost and burden placed on it by the patent office in making and repeating an incomplete (and indeed incorrect, as it rejects claims 42-49, 51, and 56-59 previously cancelled) double patenting rejection.

35 U.S.C. 103(a)

Claims 31-41, 50, 52-55, and 60-77 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Wolfe (USP 6,006,252 in view of Ko et al. (USP 6,292,185). As detailed below, applicant reasserts that the claims as presented distinguish over the cited references, alone and in combination with one another.

Applicant presents once again the argument that based on the disclosure of Wolfe (and Ko) the state of the art at the time of filing the present application was to require that a web browser be present and operating on a user's computer in order to acquire web content for display. The present invention, however, was conceived with this limitation in mind, and the claims of the present application make this distinction clear.

Applicant has previously summarized the claimed invention, and such a complete summary will not be repeated here. Applicant will, for convenience and clarity, repeat the statement that the claimed technique obtains and renders a frame and web content independent of a web browser. See, e.g., claim 1 "obtaining without use of a Web browser first Internet content" and "the frame and first Internet content rendered independently from a Web browser program".

This point was made in applicant's response filed June 13, 2006. In response to this point, the Final Office Action states that:

> Applicant is directed to Wolfe: col. 8, lines 50-65 which state that programs 1525 or 1535 (which are independent of the Web browser) to (sic) access the network connection or stack directly in order to analyze the information or packets passed over the network in order to decode the necessary information needed to present to the user.

That is, the Final Office Action asserts that rather than relying on a Web browser to examine content and provide the results of that examination to programs 1525 or 1535, programs 1525 or 1535 may examine that content directly themselves.

However, while it is true that Wolfe teaches that programs 1525 or 1535 may examine the content directly, it remains the case that Wolfe teaches that a browser program 1520 or 1530 must be operating to obtain the content in the first place. See col. 8, lines 16-19, and lines 33-38. That is, Wolfe teaches that web content is requested by a user using a web browser. Once retrieved, the content may be examined by either the Web browser or the programs 1525 or 1535 for information that programs 1525 or 1535 may use to provide or display. But in each case, a Web browser must be present and used to initially obtain the content. Applicant asserts that there is nothing in Wolfe nor Ko which teach otherwise.

Applicant has previously amended the claims of the present application in order to make clear the complete independence of the present invention from a web browser program. For example, claim 31, line 3 states "obtaining without use of a Web browser first Internet content. See also line 3 of claims 50, 62, and line 5 of claim 76. Claim 70, lines 8-9, includes the similar limitation of "instructions operable to cause said content data to be obtained and said frame to be rendered on a general purpose computer independent of a Web browser program".

It is without question that to establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). However, none of the references teach or suggest all of the limitations of the above-cited independent claims - obtaining Internet content without use of a Web browser being one such limitation not shown by the references. As such a limitation is neither taught nor suggested by the references when considered alone, it must logically also be missing from the combination of those references. Therefore, applicant asserts that since the

cited references taken alone and in combination fail to disclose each limitation of claims 31, 50, 62, 70, and 76, that those claims are not *prima facie* obvious in light of the combination of Wolfe and Ko, and that those claim is patentable over that combination of references.

In addition, claims 32-41 each depend, directly or indirectly, on claim 31, claims 52-55, and 60-61 each depend, directly or indirectly, on claim 50, claims 63-69 each depend, directly or indirectly, on claim 62, claims 71-75 each depend, directly or indirectly, on claim 70, and claim 77 depends directly on claim 76. Therefore, each dependent claim contains all limitations of the respective independent claims on which they depend. As the combination of the cited references fails to teach all elements of independent claims 31, 50, 62, 70, and 76 and thus fail to render those claims prima facie obvious, for the same reasons the combination must also fail to teach all elements of dependent claims 32-41, 52-55, 60-61, 63-69, 71-75, and 77, and thus fail to render those claims prima facie obvious. Applicant therefore requests reconsideration and allowance of claims 31-41, 50, 52-55, and 60-77.

Importantly, while applicant has focused on the common features from the independent base claims, each of the dependent claims in the present application provide their own additional limitations which may form the basis for distinguishing the reference, although such limitations are not explicitly addressed herein. Thus, applicant reserves the right to argue the differences between the dependent claim limitations and the cited references for a later date, if necessary

Accordingly, applicant respectfully traverses the rejection of claims 31-41, 50, 52-55, and 60-77 in the present application. Reconsideration and removal of the rejections of those claims is requested. Reconsideration and allowance of claims 31-41, 50, 52-55, and 60-77 is also respectfully requested.

CONCLUSION

In view of the foregoing, applicant believes all claims pending in this application now distinguish over the cited art and are in condition for allowance. The issuance of a formal Notice of Allowance of this application at the earliest possible date is respectfully requested.

If the Examiner believes that a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-941-4470.

Respectfully submitted,

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(Electronic signature)

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